

1 THE HONORABLE JOHN C. COUGHENOUR
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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14 KEVIN J. SELKOWITZ, an individual,
15 v.
16 Plaintiff
17 LITTON LOAN SERVICING LP, a Delaware
18 Limited Partnership; NEW CENTURY
19 MORTGAGE CORPORATION, a California
Corporation; QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON, a
Washington Corporation ; FIRST AMERICAN
TITLE INSURANCE COMPANY, a Washington
Corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a Delaware
Corporation, and DOE Defendants 1-20,
Defendants.

20 NO. 3:10-cv-05523-JCC

21 MOTION AND DECLARATION FOR
22 ORDER SHORTENING TIME FOR
MOTION FOR TEMPORARY
RESTRANDING ORDER AND
INJUNCTIVE RELIEF

NOTE ON MOTION CALENDAR:
August 26, 2010

16 I. MOTION

17 COMES NOW the Plaintiff, KEVIN J. SELKOWITZ, an individual, by and through
18 his attorney of record, RICHARD LLEWELYN JONES, P.S., and moves the Court for an
19 Order Shortening Time for notice of Plaintiff's Motion for Temporary Restraining Order and
20 Injunctive Relief. This Motion is made pursuant to *FRCP 6(d)*, and the subjoined
21 Declaration of RICHARD LLEWELYN JONES. A copy of the proposed Order is submitted
22 herewith.

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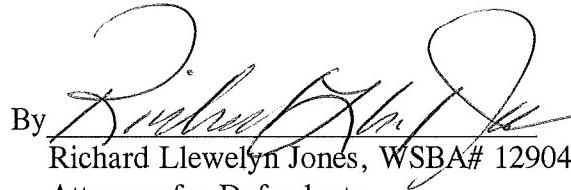
RICHARD LLEWELYN JONES, P.S.

ATTORNEY AT LAW
2050 - 112th Avenue N.E.
Suite 230
Bellevue, Washington 98004
(425) 462-7322

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2 DATED this 18th day of August, 2010.

3 RICHARD LLEWELYN JONES, P.S.

4
5 By 
Richard Llewelyn Jones, WSBA# 12904
6 Attorney for Defendants

7 II. DECLARATION OF RICHARD LLEWELYN JONES

8 RICHARD LLEWELYN JONES declares as follows:

9 1. I am the attorney of record for the Plaintiff named hereinabove. I have
10 personal and testimonial knowledge of the facts set forth below and am competent to be a
11 witness herein.

12 2. On July 27, 2010, defendant Quality Loan Service Corporation of Washington
13 ("QLS") filed a Notice of Removal, removing this action from the Superior Court of
14 Washington, King County to this Court pursuant to 28 U.S.C. § 1441(b).

15 3. On August 18, 2010, Plaintiff filed an Amended Complaint and Motion to
16 Remand this action to State Court on the basis that the Amended Complaint sets forth no
17 claim or right arising under the laws of the United States.

18 4. A trustee sale of the Plaintiff's property is now set for September 3, 2010, and
19 Plaintiff seeks to restrain the sale pending the outcome of this action.

20 5. Under RCW 61.24.130(2), notice must be given to the trustee of the motion for
21 TRO as follows:

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(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

6. Given the Motion for Remand is noted for September 3, 2010, the same day of
the scheduled trustee sale on Plaintiff's property, and the Notice requirements of RCW
61.24.130(2), this Court should grant this Motion for Order Shortening Time for Motion for
TRO.

7. Without the TRO, Plaintiff's property is subject to foreclosure during the pendency of this action and Plaintiff would lose the benefit of a favorable determination of his claims at time of trial. Accordingly, Plaintiff's Motion for TRO should be heard on less than 6 days notice, in accordance with the provisions of *FRCP* 6.

8. I declare, under penalty of perjury under the laws of the State of Washington
that the foregoing is true to the best of my knowledge.

DATED this 18th day of August, 2010.

Richard Llewelyn Jones

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CERTIFICATE OF SERVICE

I certify that on August 18th, 2010, I serviced a copy of the following documents: Calendar Note, Motion for Order Shortening Time and proposed Order Shortening Time, as indicated, on the following:

Ann T. Marshall Bishop White Marshall & Weibel PS 720 Olive Way Ste 1301 Seattle, WA 98101-1834	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Heidi E. Buck Routh Crabtree Olsen, P.S. 3535 Factoria Blvd SE Ste 200 Bellevue, WA 98006-1263	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Kennard M. Goodman Bishop White Marshall & Weibel PS 720 Olive Way Ste 1301 Seattle, WA 98101-1834	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Mary Stearns McCarthy & Holthus LLP 19735 – 10 th Avenue NE, Suite N200 Poulsbo, WA 98370	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile

DATED: August 18 , 2010.

Susan L. Rodriguez
Susan Rodriguez, Paralegal
Richard Llewelyn Jones, P.S.
Phone: 425.462.7322
susan@richardjoneslaw.com

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